Form NLRB - 501 (2-08)

## UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE		
Case	Date Filed	
02-CA-183919	9/8/16	

File an original of this charge with NLRB Regional	Director in which the alleged unfair labor practice	occurred or is occurring.
	EMPLOYER AGAINST WHOM CHARGE IS BRO	
a. Name of Employer		b. Tel. No.
		212-956-5151
Ellen's Stardust Diner and 1650	Broadway Associates, as a	c. Cell No.
single or joint employer		
d. Address (street, city, state ZIP code)	e. Employer Representative	f. Fax No.
		212-956-5834
1650 Broadway	Ken Sturm, Owner	g. e-Mail
New York, NY 10019	·	ken@theiridium.com
,		h. Dispute Location (City and State)
		New York, New York
i. Type of Establishment (factory, nursing home,	j. Principal Product or Service	k. Number of workers at dispute location
hotel)		
restaurant	restaurant	100+

I. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3)of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

#### See attached sheet.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)		
(b) (6), (b) (7)(C)		
4a. Address (street and number, city, state, and ZIP code)	4b, Tel. No. (b) (6), (b) (7)(C)	
(b) (6), (b) (7)(C) SEP 0 8 2016	4c. Cell No.	
	4d. Fax No.	
	<sup>4e. e-Mail</sup> (b) (6), (b) (7)(C)	
5. Full name of national or international labor organization of which it is an affiliate of constituent unit ( organization)	to be filled in when charge is filed by a labor	
organization)		
6. (b) (6), (b) (7)(C) and that the statements are true to the best of	Tel. No.	
(b) (6), (b) (7)(C) Individual	Office, if any, Cell No.	
charge) Print Name and Title	Fax No.	
Date: 9-8-16	e-Mail	

### WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

The above-named Employer(s), by its officers, agents, and/or representatives, engaged in the following conduct on or about the date specified because employees engaged in protected concerted activities and or union activities in support of the Stardust Family United, which is a branch of the Industrial Workers of the World, a union:

On or about (b) (6), (b) (7)(C) 2016, the Employer representative (b) (6), (b) (7)(C) told employees that they would be fired if they circulated any petition regarding "anything."

On or about [6] (6), (6) (7)(C) 2016, the Employer representative (b) (6), (b) (7)(C) interrogated employees regarding the identity and conduct of other employees and threatened that those employees would be terminated and or suggested their job was in jeopardy.

On or about (b) (6), (b) (7)(C) 2016, the Employer removed lockers from the upstairs bathroom and revoked employees' bathroom privileges.

On or about (b) (6), (b) (7)(C) 2016, the Employer discharged (b) (6), (b) (7)(C)

On or about (b) (6), (b) (7)(C) 2016, the Employer removed several employees on approved leave of absence from the schedule.

On or about (b) (6), (b) (7)(C) 2016, the Employer fundamentally altered the long standing tip bucket procedure.

On or about (b) (6), (b) (7)(c) 2016, Employer representative (b) (6), (b) (7)(c) asked employees for the name of Union organizers and implied that employees could lose their job and benefits.

On or about (b) (6), (b) (7)(C) 2016, the Employer discharged (b) (6), (b) (7)(C)

On or about (b) (6), (b) (7)(C) 2016, the Employer took away the employees access to the messaging capabilities on HotSchedules.

On or about (b) (6), (b) (7)(c), 2016, Employer representative (b) (6), (b) (7)(c) instructed employees not to put up union pamphlets in the employee locker room.

On or about (b) (6), (b) (7)(C) 2016, the Employer posted flyers that stated Unionization would cause the loss of numerous federally protected rights.

On or about August 31, 2016, the Employer posted flyers with false information about the Union.

On or about September 1, 2016, the Employer reduced the work schedule of employees.

On or about September 3, 2016, the Employer engaged in unlawful surveillance of employees by videotaping employees who were engaging in a "banner demonstration."

On or about (b) (6), (b) (7)(C) 2016, Employer representative (b) (6), (b) (7)(C) instructed employees not to record a group meeting and made employees delete the recording.

On or about (b) (6), (b) (7)(C) 2016, Employer representative (b) (6), (b) (7)(C) circulated an anti-union petition and suggested to employees that signing this would keep their jobs safe.

On or about (b) (6), (b) (7)(c) 2016, Employee representative (b) (6), (b) (7)(c) implied to employees that the restaurant would be closed if the restaurant becomes unionized.

On or about (b) (6), (b) (7)(C) 2016, Employee representative (b) (6), (b) (7)(C) threatened employees with discharge if the restaurant becomes unionized.

On or about (b) (6), (b) (7)(C) 2016, the Employer offered compensation to certain employees to spy on the union activities of employees.

On or about (b) (6), (b) (7)(C) 2016, the Employer required new employees, as a condition of employment, to sign a document stating they would not discuss with other employees their working conditions and their interactions with managers.

INTERNET FORM NLRB-501 (2-08)

#### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

	FORM EXEMPT UNDER 44 0.3.C 3312
DO NOT WRITE IN THIS SPACE	
Case	Date Filed
02-CA-184293	9-15-16

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the		ng.		
	GAINST WHOM CHARGE IS BROUGHT	b. Tel. No.		
a. Name of Employer  1650 BROADWAY ASSOCIATES d/b/a ELLEN'S STARDUST DINER		(212) 956-5151		
	1	c. Cell No.		
Address (Clearly site state and 7/D ands)	e. Employer Representative	f. Fax No.		
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	g. e-Mail		
1650 Broadway	Ken Sturm	ken@the	aridium.com	
New York City NY 10019	Owner	h. Number of wor	kers employ	red
		l l	170	
Type of Establishment (factory, mine, wholesaler, etc.)     Restaurants	j. Identify principal product or service Food Service			
k. The above-named employer has engaged in and is engaging	in unfair labor practices within the meaning of sec	ction 8(a), subsections	(1) and (list	
subsections) 4, 3	of the National Lab	or Relations Act, and t	these unfair	labor
practices are practices affecting commerce within the meaning within the meaning of the Act and the Postal Reorganization A		fair practices affecting	commerce	
2. Basis of the Charge (set forth a clear and concise statement of	of the facts constituting the alleged unfair labor pr	actices)		
concerted activities by, inter alia, discussing wages, hours, or other terr concerted activities. (7) Within the previous six months, the Employe concerted activities by, inter alia, protesting terms and conditions of em (8) Within the previous six months, the Employer disciplined or retaliate	o discourage employees from engaging in protected co ployee(s) engaged in protected concerted activities by, rotected concerted activities. (3) Within the previous in the NLRB. (4) Within the previous six months, the Eto discourage union activities and/or membership. (5 employee(s) joined or supported a labor organization a fer disciplined or retaliated against an employee(s) becauses and conditions of employment and in order to discourage employee(s) because those and in order to discourage employees from each against an employee(s) file	ncerted activities. (2) inter alia, protesting term six months, the Employe Employer discharged and in the previous six and in order to discouraguse the employee(s) engurage employee(s) engurage the employee(s) engurage in protected corresponding in protected corr	Within the press and condition of the pressure of the protest of t	evious ions of an because iities ected otected icted icted
3. Full name of party filing charge (if labor organization, give full name, including local name and number)  (b) (6), (b) (7)(C)  Title:		52°		
Stardust Family United		20	122	Zoo
4a. Address (Street and number, city, state, and ZIP code)		4b. Tel. No. (b) (6), (	b) (7)(C)	<i>∞ c</i>
c/o Eisner & Dictor, P.C. 39 Broadway, Suite 1540 New York City NY 10006		4c. Cell No.	47	
THOM FOR ONLY TO TOO STATE OF THE PROPERTY OF		4d. Fax No.		
		4e. e-Mail		
		estardustf	amilyunited.c	com
<ol><li>Full name of national or international labor organization of whorganization)</li></ol>	nich it is an affiliate or constituent unit (to be filled	in when charge is filed	l by a labor	
6. DECLARATION		Tel. No.		
I declare that I have read the above charge and that the statements	are true to the best of my knowledge and belief.	(212) 473-8	700	
Benjamin N. Dictor Title:	Benjamin N. Dictor Esq.	Office, if any, Cell No (716) 795-2		
•	Print/type name and title or office, if any)	Fax No. (212) 473-8		
39 Broadway Suite 1540	0011410046 46:00:07	e-Mail		
Address New York City NY 10006	09/14/2016 16:23:27 (date)	ben@eisne	rdictor.com	

### WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Form NLRB - 501 (2-08)

# UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD FIRST AMENDED CHARGE AGAINST EMPLOYER INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE

Case Date Filed

02-CA-184293

11/14/16

File an original of this charge with NLRB Regiona	Director in which the alleged unfair labor practice of	occurred or is occurring.
a. Name of Employer	EMPLOYER AGAINST WHOM CHARGE IS BROWN	b. Tel. No.
1650 Broadway Associates d/b/a Ellen's Stardust Diner		(212)956-5151
		c, Cell No.
		C. Cell No.
d. Address (street, city, state ZIP code)	e. Employer Representative	f. Fax No.
1650 Broadway, New York City, NY	Ken Sturm	in an ivo
10019	Омпег	g e-Mail
1	0	ken@theiridlum.com
		h, Dispute Location (City and State)
	1	New York, NY
<ol> <li>Type of Establishment (factory, nursing home,</li> </ol>	j. Principal Product or Service	k. Number of workers at dispute location
hote!)		
Restaurant	Food Service	170
I. The above-named employer has engaged in and	is engaging in unfair labor practices within the me	aning of section 8(a), subsections (1) and (3), (4)
of the National Labor Relations Act, and these unf	air labor practices are practices affecting commerce	within the meaning of the Act, or these unfair
2 Basis of the Charac (set forth a gloss and general	nerce within the meaning of the Act and the Postal F se statement of the facts constituting the alleged un	
2. Basis of the Charge (set forth a clear sile condi-	se statement of the facts constituting the alieged un	rair lapor practices)
See attached.		The Post
oee attached.		TWOV CENT
2 Full same of early filling shorter (if labor assertion	ation, give full name, including local name and num	hair labor practices)  NOV PIDEIVED ber)
Stardust Family United	stron, give full hame, including local hame and numi	DOI)
(b) (6), (b) (7)(C)		
4a. Address (street and number, city, state, and ZI	P code)	4b, Tel, No.
	, Sulte 1540, New York City, NY 10006	(b) (6), (b) (7)(C)
are morror at a latery ( 100) or all controls for the first form any; it is to be		4c. Gen No.
		10.00
		4d. Fax No.
		46. g-Mall
		@stardustfamilyunited.com
5. Full name of national or international labor organ	ization of which it is an affiliate or constituent unit (	to be niled in when charge is filed by a labor
organization)		
<ol> <li>DECLARATION         I declare that I have read the above charge ar     </li> </ol>	ed that the statements are true to the heat of	Tel. No.
my knowledge and belief.	in that nie orbicinents die nine fo the past of	(212) 473-8700
	-	Office, If any, Cell No.
By: Kenjamin	Benjamin N. Dictor, Esq.	(716) 795-2267
(signature of epresentative or person making ch	Benjamin N. Dictor, Esq.  arge) Print Name and Title	Fax No.
V		(212) 473-8705
Address: Eisner & Dictor, P.C., 39 Broad	way, Date: 11/14/16	e-Mail
Suite 1540, New York City, NY 10006		ben@eisnerdictor.com

11A 11V.

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Lobor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

- (1) Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages and/or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.
- (2) Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.
- (3) Within the previous six months, the Employer discharged an employee(s) because the employee(s) filed charges or cooperated with the NLRB.
- (4) Within the previous six months, the Employer discharged an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.
- (5) Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.
- (6) Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages, hours, or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.
- (7) Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.
- (8) Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) filed charges or cooperated with the NLRB.
- (9) Since about January 2016 and continuing, the Employer has maintained an overly broad confidentiality provision and required all employees to sign said agreement as a term and condition of employment.
- (10) Since about May 18, 2016, the Employer, by its agents and representatives, has interfered with employees' ability to engage in protected, concerted activity by imposing restrictions on employee Facebook activity.

FORM EXEMPT UNDER 44 U.S.C 3512

P. 002

INTERNET FORM NLRB-501 (Z-08)

#### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case 02-CA-185306

Date Filed 9/28/16

	UZ-CA-185	3/28/10
NSTRUCTIONS: He an original with NLRB Regional Director for the region in which	the alleged unfair (abor practice occurred or is o	courring
	AGAINST WHOM CHARGE IS BROUGH	IT.
a. Name of Employer		b. Tel. No. (212) 956-5151
1650 Broadway Associates d/b/a Ellen's Stardust Diner		c. Cell No.
1000 Bloquway Associates dibra Eliell a Staldus	r Diriter	d. Goil No.
	La Mandana de la Carta	f. Fax No.
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	g. e-Mail
1650 Broadway	Ken Sturm	ken@theiridium.com
New York, NY 10019	Owner	h. Number of workers employed
		170
i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service	
Restaurants	Food Service	
k. The above-named employer has engaged in and is engagi		
subsections) 1, 3, 4		I Labor Relations Act, and these unfair labor
practices are practices affecting commerce within the mea within the meaning of the Act and the Postal Reorganization		are untair practices affecting commerce
Basis of the Charge (set forth a clear and concise stateme		por practices)
2. Dudis of the officing (out for the work with dominate statement	The state of the s	and the second
,		SEP 2.8 2016
3. Full name of party filing charge (if labor organization, give	full name, including local name and number)	1 Part / Co.
Stardust Family United		
4a. Address (Street and number, city, state, and ZIP code)	<del></del>	<sup>4b. Tel. No.</sup> (212) 473-8700
/ El A Bishas B O		4c. Cell No.
c/o Eisner & Dictor, P.C. 39 Broadway, Ste. 1540		
New York, NY 10008		<sup>4d. Fax No.</sup> (212) 473-8705
7011 10(11, )X1 (0000		4e. e-Mail
		ben@eisnerdictor.com
5. Full name of national or international labor organization of organization) Industrial Workers of the World	f which it is an affiliate or constituent unit (to be	filled in when charge is filed by a labor
6. DECLARATION I declare that I have read the above charge and that the statement		Tel. No. (212) 473-8700
By Zalamin D. Den Be	enjamin N. Dictor, Esq.	Office, if any, Cell No.
((signature of representative or parson making charge)	(Print/type name and title or office, if any)	Fax No. (212) 473-8705
CO Decedium. Ole 4540 Nov. Vod. NO. 40	9/28/2016	e-Mail ben@eisnerdictor.com
Address 39 Broadway, Ste. 1540, New York, NY 10	006 (date)	The residence of the second of

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or filigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Case No. 02-CA-185306 Date 9/28/16

#### Rider to National Labor Relations Board Charge Against Employer

Re: Stardust Family United

#### Basis of the Charge

- (1) Within the previous six months, the Employer discharged employees because the employees engaged in protected concerted activities by, inter alia: (a) discussing wages and/or other terms and conditions of employment; (b) protesting terms and conditions of employment; (c) because the employees filed charges or cooperated with the NLRB; and (d) because the employees joined or supported a labor organization and in order to discourage employees from engaging in protected concerted activities and/or to discourage union activities.
- (2) Within the previous six months, the Employer disciplined and/or retaliated against employees because: (a) the employees joined or supported a labor organization; (b) the employees engaged in protected concerted activities by, inter alia, discussing wages, hours, or other terms and conditions of employment; (c) the employees engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment; and (d) because the employees filed charges or cooperated with the NLRB in order to discourage employees from engaging in protected concerted activities and/or to discourage union activities.

Additional Information Provided

On (b) (6), (b) (7)(C) 2016, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.

On (b) (6), (b) (7)(C) 2016, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.

On (b) (6), (b) (7)(C) 2016, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.

On (b) (6), (b) (7)(C) 2016, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.

On (b) (6), (b) (7)(C) 2016, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.

Form NLRB - 501 (2-08)

#### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

#### FIRST AMENDED CHARGE AGAINST EMPLOYER **INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE		
Case	Date Filed	
02-CA-185306	12-15-16	

	Director in which the alleged unfair labor practice of	
	EMPLOYER AGAINST WHOM CHARGE IS BROU	
a. Name of Employer	•	b. Tel. No.
1650 Broadway Associates d/b/a Ellen's Stardust Diner		(212)956-5151
		c. Cell No.
d. Address (street, city, state ZIP code)	e. Employer Representative	f. Fax No.
1650 Broadway, New York City, NY	Ken Sturm	·
10019	Owner	g. e-Mail
100,0	o unio	ken@theiridium.com
		h, Dispute Location (City and State)
		New York, NY
i. Type of Establishment (fectory, nursing home,	i. Principal Product or Service	k. Number of workers at dispute location
hotel)		,
Restaurants	Food Service	170
	- Sou Corrido	
I. The above-named employer has engaged in and	ls engaging in unfair labor practices within the mea	ning of section 8(a) subsections (1) and (3), (4)
of the National Labor Relations Act, and these uni	air labor practices are practices affecting commerce	within the meaning of the Act, or these unfair
labor practices are unfair practices affecting comn	nerce within the meaning of the Act and the Postal R	eorganization Act:
2. Basis of the Charge (set forth a clear and conci	se statement of the facts constituting the alleged unf	air labor practices)
		2000
		DEC 1 5 2016
		257.703
See attached Rider		CERTAIN RECORD
		NEW YORK, EXC
		MPUD
		1 Training

3. Full name of party filing charge (If labor organization, give full name, including local name and numb	eŋ
Stardust Family United	
4a. Address (street and number, city, state, and ZIP code)	4b. Tel. No.
c/o Eisner & Dictor, P.C., 39 Broadway, Suite 1540, New York City, NY 10006	212-473-8700
Lib Listlet & Dictor, F.O., 35 Biodaway, Suite 1040, New York City, NY 10000	4c. Cell No.
	4C. Cell No.
	4d. Fax No.
	212-473-8705
	4e. e-Mall
	ben@eisnerdictor.com
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (f	
<b>1</b>	o be filled in When onergand had by a labor
organization)	
Industrial Workers of the World	
6. DECLARATION	Tel. No.
I declare that I have read the above charge and that the statements are true to the best of	212-473-8700
my knowledge and bellef.	EIZ-TIO-OIOS
ing moderate and some	Office, if any, Cell No.
2	Omt-i it doili con the
Benjamin N. Dictor, Esq.	
(signature of epresentative or person-making charge) Print Name and Title	Fax No.
	212-473-8705
Address: c/o Eisner & Dictor, P.C., 39 Date: 17 / 5 / 16	e-Mail
	ben@eisnerdictor.com
Broadway, Suite 1540, New York City, NY	501100010110101111
1 10006	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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## Rider to National Labor Relations Board Charge Against Employer

Re: Stardust Family United

#### Basis of the Charge

- 1. Within the previous six months, the Employer discharged employees because the employees engaged in protected concerted activities by, inter alia: (a) discussing wages and/or other terms and conditions of employment; (b) protesting terms and conditions of employment; (c) because the employees filed charges or cooperated with the NLRB; and (d) because the employees joined or supported a labor organization and in order to discourage employees from engaging in protected concerted activities and/or to discourage union activities.
- 2. Within the previous six months, the Employer disciplined and/or retaliated against employees because: (a) the employees joined or supported a labor organization; (b) the employees engaged in protected concerted activities by, inter alia, discussing wages, hours, or other terms and conditions of employment; (c) the employees engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment; and (d) because the employees filed charges or cooperated with the NLRB in order to discourage employees from engaging in protected concerted activities and/or to discourage union activities.

#### Additional Information Provided

- On (b) (6), (b) (7)(C)2016, the Employer terminated reasons, in violation of the NLRA.
- On (b) (6), (b) (7)(C) 2016, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.
- On (b) (6), (b) (7)(C) 2016, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.
- On (b) (6), (b) (7)(C) 2016, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.
- On(b) (6), (b) (7)(C)2016, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.
- On(b) (6), (b) (7)(C) 2016, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.

INTÉRNET FORM NLRB-501 (2-08)

#### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case Date Filed 1/261/7

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which ti		ng.	
	AGAINST WHOM CHARGE IS BROUGHT	Lb. Tol No.	
e. Name of Employer		b. Tel. No. (212) 955-5151	
1650 Broadway Assocaites d/b/a Ellen's Stardust Diner		c. Cell No.	
		f. Fax No.	
d. Address (Street, city, state, and ZIP code)	e. Employer Representative		
1650 Broadway, New York City, NY	Ken Sturm	g. e-Mail	
10019	Owner	ken@theiridium.com	
		h. Number of workers employed 170	
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or service Food Service		
k. The above-named employer has engaged in and is engaging	In unfair labor practices within the meaning of sec	ction 8(a), subsections (1) and (list	
subsections) 8(a)1; 8(a)3; 8(a)4	of the National Lab	or Relations Act, and these unfair labor	
practices are practices affecting commerce within the meaning within the meaning of the Act and the Postal Reorganization	· ·	nfair practices affecting commerce	
2. Basis of the Charge (set forth a clear and concise statement	of the facts constituting the alleged unfair labor pr	ractices)	
See attached Rider		2017 N.1	
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		유 로 돌마系	
		N t Z	
3. Full name of party filing charge (if labor organization, give full Stardust Family United	ll name, including local name and number)		
4a. Address (Street and number, city, state, and ZIP code)		4b. Tel. No. 212-473-8700	
c/o Eisner & Dictor, P.C. 39 Broadway, Suite 1540	), New York City, New York 10006	4c. Cell No.	
		4d. Fax No. 212-473-8705	
		4e. e-Mail	
		ben@eisnerdictor.com	
5. Full name of national or international labor organization of w organization) Industrial Workers of the World	hich it is an affiliate or constituent unit (to be filled	in when charge is filed by a labor	
6. DECLARATION	l	Tel. No.	
I declare that I have read the above charge and that the statements	are true to the best of my knowledge and belief.	212-473-8700	
ВУ	jamin N. Dictor, Esq.	Office, if any, Cell No.	
্রেণ্ট্রিnetbre of representative or person making charge)	(Print/type name and title or office, If any)	Fax No. 212-473-8705	
c/o Eisner & Dictor, P.C., 39 Broadway, Suite	e 1540, NYC, 10006 1/26/17	e-Mall ben@eisnerdictor.com	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

02-CA-191905

1/261/7

#### Rider To National Labor Relations Board Charge Against Employer

Re: Stardust Family United

#### Basis of Charge

- 1. Within the previous six months, the Employer discharged employees because the employees engaged in protected concerted activities by, inter alia: (a) discussing wages and/or other terms and conditions of employment; (b) protesting terms and conditions of employment; (c) because the employees filed charges or cooperated with the NLRB; and (d) because the employees joined or supported a labor organization and in order to discourage employees from engaging in protected concerted activities and/or to discourage union activities.
- 2. Within the previous six months, the Employer disciplined and/or retaliated against employees because the employees engaged in protected concerted activities by, inter alia: (a) discussing wages and/or other terms and conditions of employment; (b) protesting terms and conditions of employment; (c) because the employees filed charges or cooperated with the NLRB; and (d) because the employees joined or supported a labor organization and in order to discourage employees from engaging in protected concerted activities and/or to discourage union activities.

#### Additional Information Provided

On (b) (6), (b) (7)(C) 2017, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.

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02-CA-191905

1/261/7

On (b) (c), (b) (7)(C) 2017, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.

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On (b) (6), (b) (7)(C) 2017, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.

INTERNET FORM NLRE-501

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

02-CA-191905

Date Filed 24/17 02-CA-191905

NSTRUCTIONS:	<u> </u>	d ar is accurring.
1. EMPLOYER	AGAINST WHOM CHARGE IS B	ROUGHT
a. Name of Employer	, pag.	b. Tel. No. (212) 955-5151
1650 Broadway Assocaites d/b/a Ellen's Stardust Diner		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 1650 Broadway, New York City, NY	e. Employer Representative Ken Sturm	
1000 Bloadway, New York City, NY	Owner	g. e-Mall ken@theiridium.com
		h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or sen Food Service	
k. The above-named employer has engaged in and is engagi	ng in unfair labor practices within the m	eaning of saction 8(a), subsactions (1) and (list
subsections) 8(a)1; 8(a)3; 8(a)4		National Labor Relations Act, and those unfair labor
practices are practices affecting commerce within the mean within the meaning of the Act and the Postal Reorganization		actices are unfair practices affecting commerce
2. Basis of the Charge (set forth a clear and concise stateme	nt of the facts constituting the alleged t	ınfair labor practices)
See attached Rider	STALLEN / SE	
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	Trade of the last	
3. Full name of party filing charge (if labor organization, give standust Family United	full name, including local name and nu	mber)
4a. Address (Street and number, city, state, and ZIP code)	,	4b. Tel. No. 212-473-8700
c/o Eisner & Dictor, P.C., 39 Broadway, Suite 154	IO, New York City, New York 10	
, , , , , , , , , , , , , , , , , , , ,	<b>,</b>	
		4d. Fax No. 212-473-8705
		4e. e-Mail
		ben@eisnerdictor.com
Full name of national or International labor organization of organization)     Industrial Workers of the World	which it is an affiliate or constituent uni	t (to be filled in when charge is filed by a labor
6. DECLARATIOn I declare that I have read the above charge and that the statement	N ts are true to the best of my knowledge ar	Tel. No. 212-473-8700
(By Be	njamin N. Dictor, Esq.	Office, if any, Cell No.
(signature of representative or person making charge)	(Print/type name and title or office, if any)	Fax No. 212-473-8705
c/o Eisner & Dictor, P.C., 39 Broadway, Sui	te 1540, NYC, 10006	e-Mail ben@eisnerdictor.com
WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN I		

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seg. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

#### Rider To National Labor Relations Board Charge Against Employer

Re: Stardust Family United

#### Basis of Charge

- 1. Within the previous six months, the Employer discharged employees because the employees engaged in protected concerted activities by, inter alia: (a) discussing wages and/or other terms and conditions of employment; (b) protesting terms and conditions of employment; (c) because the employees filed charges or cooperated with the NLRB; and (d) because the employees joined or supported a labor organization and in order to discourage employees from engaging in protected concerted activities and/or to discourage union activities.
- 2. Within the previous six months, the Employer disciplined and/or retaliated against employees because the employees engaged in protected concerted activities by, inter alia: (a) discussing wages and/or other terms and conditions of employment; (b) protesting terms and conditions of employment; (c) because the employees filed charges or cooperated with the NLRB; and (d) because the employees joined or supported a labor organization and in order to discourage employees from engaging in protected concerted activities and/or to discourage union activities.

#### Additional Information Provided

On (b) (6), (b) (7)(C) 2017, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA

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On (b) (6), (b) (7)(C) 2017, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.

On or about (b) (6), (b) (7)(C) 2017, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.



#### UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

**REGION 2** 26 Federal Plaza Suite 3614 New York, NY 10278-3699

Agency Website: www.nlrb.gov Telephone: (212)264-0300 Fax: (212)264-2450

December 17, 2018

Steven A Cash, Esq. 7 Times Square Times Square Tower New York, NY 10036

Re:

1650 Broadway Associates d/b/a Ellen's

Stardust Diner

Case Nos.

02-CA-183919

02-CA-184293 02-CA-185306 02-CA-191905

Dear Mr. Cash

Satisfactory evidence of compliance with the October 3, 2017, and February 2, 2018, Settlement Agreements in the above-captioned cases has been submitted and no evidence of a failure to comply with the requirement to refrain from engaging in certain conduct has been presented. The cases are hereby closed and will remain closed conditioned upon continued observance of the Settlement Agreements. You are cautioned that subsequent violations of the National Labor Relations Act may become the basis for further proceedings in the instant case despite its formal closing.

Very truly yours,

John J. Walsh, Jr.

Regional Director

CC

Gregory S. Tabakman, Esq. Day Pitney, LLP 1 Jefferson Road Parsippany, NJ 07054

Patrick J. McCarthy, Esq. Day Pitney, LLP 1 Jefferson Road Parsippany, NJ 07054-2833 Re: 1650 Broadway Associates d/b/a Ellen's - 2 - Stardust Diner Case Nos. 02-CA-183919, 02-CA-184293, 02-CA-185306 and 02-CA-191905

Rachel A. Gonzalez, Esq. Day Pitney, LLP 1 Jefferson Road Parsippany, NJ 07054-2833

1650 Broadway Associates d/b/a Ellen's Stardust Diner Attn: Ken Sturm, Owner 1650 Broadway New York, NY 10019

Benjamin N. Dictor, Counsel Eisner & Dictor, P.C. 39 Broadway, Suite 1540 New York City, NY 10006

(b) (6), (b) (7)(C)